

OGC Has Reviewed

18 December 1956

MEMORANDUM FOR: Acting Chief, Document Division, OCR

SUBJECT : Inter-agency Transfer of Unclassified
Captured Japanese Meteorological Records

1. You contacted this Office recently to request advice as to the legal requirements governing the proposed transfer from this Agency to the Air Weather Service of the United States Air Force of a group of unclassified meteorological records obtained in Japan at the end of World War II. You referred to an opinion on this subject provided by us to your Office in 1947, citing Executive Order 9784, of 25 September 1946. You stated that some 43 sacks of material were involved.

2. The files of this Office contain a law memorandum dated 18 November 1947, prepared in response to your inquiry dated 19 August 1947. Since that time the Congress has passed new legislation on this subject and has directed therein that the General Services Administration shall have over-all cognizance of Federal records and records management. Inasmuch as the immediate problem which you have raised involves unclassified material, the exploitation of which for intelligence purposes has been completed, there appears to be involved no question about the unique activities of this Agency. Therefore, this matter is to be resolved under the same regulations which govern any other Federal agency not performing national security functions.

3. Executive Order 9784 of 25 September 1946 provided (with certain exceptions) that an inter-agency transfer of records should be carried out only with the approval of the Bureau of the Budget. In response to your inquiry as to whether such approval is still required, we have ascertained that this procedure has been superseded and the Bureau of the Budget is no longer involved in approving such transfers. After the date of that Executive Order the Congress passed the Federal Property and Administrative Services Act of 1949, which provided in section 505(e) (44 U.S.C. 395(e)) that the Administrator of General Services should promulgate regulations for inter-agency record's transfer.

4. The regulation of the General Services Administration which now governs this matter is GSA Regulation 3-IV-301.01, a copy

of which is forwarded herewith. In that Agency this matter falls within the cognizance of the Records Center Division, Office of Records Management, National Archives and Records Service. Mr. Edward G. Campbell is in charge of that Division, and he can be reached on Code 151, Extension 5A85. In our opinion the foregoing regulation applies in this case and it would appear that the transfer which you desire to accomplish may legally be effectuated by this Agency by carrying out the provisions of this regulation.

5. You are probably already aware that "records" are defined by statute in section 366 of Title 44 of the U.S. Code. There seems to be no question that the material described by you falls within this definition which includes "all ... documentary materials ... received by any agency of the United States Government ... in connection with the transaction of public business and preserved ... because of the informational value of data contained therein. ..."

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Assistant General Counsel

Attachment

OGC/NCF:jcf

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GA 11/11/59